

*Pleas in law:*

- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 7(1)(b), (c) and (d) of Regulation No 207/2009;
- Infringement of Article 7(1)(f) of Regulation No 207/2009

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**Action brought on 17 July 2014 — Alsharghawi v Council**

**(Case T-532/14)**

(2014/C 303/65)

*Language of the case: French*

**Parties**

*Applicant:* Bashir Saleh Bashir Alsharghawi (Johannesburg, South Africa) (represented by: É. Moutet, lawyer)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- Annul Decision 2011/137/CFSP and Decision 2011/178/CFSP;
- Order the Council to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the Council had no power to include the applicant on the list of persons subject to restrictive measures, since the applicant's name is not mentioned in the United Nations Security Council resolutions 1970 (2011) and 1973 (2011).
2. Second plea in law, alleging infringement of the duty to state reasons, in so far as the Council merely relies on the abovementioned resolutions, without considering the applicant's personal situation.
3. Third plea in law, alleging infringement of the applicant's rights of defence and of the principle of the presumption of innocence as a result of the lack of an *inter partes* procedure.
4. Fourth plea in law, alleging infringement of fundamental rights, in so far as, by imposing restrictive measures on the applicant, the Council unlawfully restricted his freedom of movement and his right to property.

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**Action brought on 16 July 2014 — North Drilling v Council**

**(Case T-539/14)**

(2014/C 303/66)

*Language of the case: Spanish*

**Parties**

*Applicant:* North Drilling Co. (Tehran, Iran) (represented by: J. Viñals Camallonga, L. Barriola Urruticoechea and J. Iriarte Ángel, lawyers)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicant claims that the General Court should:

- annul Article 1 of Council Decision 2014/222/CFSP of 16 April 2014, in so far as it refers to the applicant, and remove the applicant's name from the annex thereto;
- annul Article 1 of Council Implementing Regulation (EU) No 397/2014 of 16 April 2014, in so far as it refers to the applicant, and remove the applicant's name from the annex thereto; and
- order the Council to pay the costs.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on seven pleas in law.

1. First plea in law: a manifest error in the assessment of the facts on which the contested measures are based, in that they lack any factual or evidential basis.
2. Second plea in law: breach of the obligation to state reasons, since the reasons stated for the contested measures, as regards the applicant, lack any real basis and are imprecise, unspecific and generic, making it impossible for the applicant adequately to prepare its defence.
3. Third plea in law: infringement of the right to effective judicial protection as regards the reasons stated for the measures, the lack of evidence for the reasons stated and the rights of defence and of property, since the requirements to state reasons and to provide actual evidence were not met, which affects the other rights.
4. Fourth plea in law: misuse of power, since there is objective, specific and consistent evidence that, in adopting the penalties, the Council pursued aims different from those it claimed to pursue, thus misusing its power in a fraudulent manner.
5. Fifth plea in law: misinterpretation of the legal rules intended to be applied, in that they are interpreted and applied in an incorrect and extensive manner, which is inadmissible in relation to penalties.
6. Sixth plea in law: infringement of the right to property, in that the applicant's right to property was limited without any real justification and without respecting the principle of proportionality.
7. Seventh plea in law: breach of the principle of equal treatment, since the applicant's competitive position was damaged, without there being any justification for such treatment.

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**Action brought on 18 April 2014 — Antica Azienda Agricola Vitivinicola Dei Conti Leone De Castris  
v OHIM — Vicente Gandía Pla (ILLIRIA)**

**(Case T-541/14)**

(2014/C 303/67)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* Antica Azienda Agricola Vitivinicola Dei Conti Leone De Castris Srl (Salice Salentino, Italy) (represented by: D. Russo, lawyer)